

Town of Simsbury, CT
Monday, November 29, 2021

Chapter 15. Fair Rent Commission

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 6-9-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics — See Ch. 13.

§ 15-1. Establishment.

Pursuant to Sections 7-148b through 7-148f of the General Statutes of Connecticut and by the action of the Special Town Meeting, May 20, 1986, there is hereby created a Fair Rent Commission in the Town of Simsbury with full powers and authority as set forth in said statutes.

§ 15-2. Appointment and terms of members.

The Fair Rent Commission shall consist of seven electors or taxpayers of the town who shall serve for a term of four years: four members shall be appointed to serve a term to expire November 30, 1987, thereafter to be appointed to a four-year term; three members shall serve until November 30, 1989, thereafter to a four-year term. The Director of Human Services shall serve without vote as an ex officio member of said Commission. The members of the Commission shall serve without compensation.

§ 15-3. Officers; rules and records.

Members of the Commission shall elect a Chairperson, Vice Chairperson and a Secretary for a term to be determined by vote of the Commission. The Commission shall have the power to adopt rules and regulations for its government and the conduct of business within its jurisdiction and shall keep a record of its proceedings.

§ 15-4. Powers and duties.

- A. General. The Commission shall have the power to make studies and investigations, conduct hearings and receive written complaints relative to rental charges or proposed increases in rental charges on housing accommodations, except those accommodations rented on a seasonal basis,^[1] within the Town of Simsbury in order to control or eliminate excessive rental charges on such accommodations and to carry out the provisions of this chapter and Section 47a-20 of the Connecticut General Statutes (Retaliatory Action by Landlord) and Section 47a-23c(b) of the Connecticut General Statutes (The Eviction of Elderly, Blind and Disabled Tenants). The Commission may, for such purposes, compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions. The Commission may be empowered to retain legal counsel to advise it

[1] *Editor's Note: For purposes of § 15-4A, "seasonal basis" means housing accommodations*

rented for a period or periods aggregating not more than 120 days in any one calendar year.

- B. Informal conciliation. The Commission may, in an appropriate case, encourage a complaining tenant and landlord to meet informally with two members of the Commission appointed by the Chairperson for such purpose in an effort to reach a mutually satisfactory resolution of the issue contained in the complaint. One of the Commissioners so appointed may be the Director of Human Services. Such informal conferences shall be closed to the public and the Commission shall receive no formal "evidence" or render a decision thereon. Any agreement reached by the parties as a result of an informal conference shall be reduced to writing and signed by the parties and shall be fully enforceable as if it were an order of the Commission. If the parties are unwilling to meet informally or unable to resolve such issues after an informal conference, the parties shall be entitled to a formal hearing before the Commission as set forth in this chapter. The two Commission members assigned to the informal conference may take part in any formal hearing on the complaint which may be held thereafter, unless one or more of the parties objects.

§ 15-5. Authority to order rent reductions or repairs.

- A. If the Commission determines, after a hearing, that a rental charge or a proposed increase in a rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in Subsection **B** of this section, as to be harsh and unconscionable, it may order the rent reduced to such amount as it determines to be fair and equitable. If the Commission determines, after a hearing, that the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, it may order the suspension of further payments of rent by the tenant until such time as the landlord makes the changes, repairs or installations necessary to bring such housing accommodation into compliance with such ordinance, statute or regulation. The rent being abated during said period shall be paid to the Commission to be held in escrow.
- B. Considerations in determining whether a rental charge is excessive. In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the Fair Rent Commission shall consider such of the following circumstances as are applicable to the type of accommodation in question:
- (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the Town of Simsbury.
 - (2) The sanitary conditions existing in the housing accommodation in question.
 - (3) The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof.
 - (4) The services, furniture, furnishings and equipment supplied therein.
 - (5) The size and number of bedrooms contained therein.
 - (6) The repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein.
 - (7) The amount of taxes and overhead expenses, including debt service, thereof.
 - (8) Whether the accommodations are in compliance with the ordinances of the Town of Simsbury and the General Statutes of the State of Connecticut relating to health and safety.
 - (9) The income of the petitioner and the availability of accommodations.

- (10) The availability of utilities.
- (11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear.
- (12) The amount and frequency of increases in rental charges.
- (13) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

§ 15-6. Penalties for offenses.

Any person who violates a written agreement which has been entered into as the result of an informal conference held under § **15-4B** of this chapter or who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § **15-8** herein is pending, or who violates any other provision of this chapter or Section 47a-20 of the Connecticut General Statutes (Retaliatory Action by Landlord) or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto, shall be fined not less than \$25 nor more than \$100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

§ 15-7. Retaliatory conduct of landlord.

If the Commission determines after a hearing that a landlord has retaliated in any manner against a tenant because the tenant has complained to the Commission, the Commission may order the landlord to cease and desist from such conduct.

§ 15-8. Appeals.

Any person aggrieved by an order of the Commission may appeal to the Housing Session of the Superior Court for the Judicial District of Hartford-New Britain at Hartford. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in Section 7-148e of the Connecticut General Statutes.

§ 15-9. Incorporation of state law.

Any amendments to the state law referring to fair rent commissions will be automatically incorporated into this chapter and made a part thereof.

§ 15-10. When effective.

The Commission shall become effective as of the date of this chapter.